



**US Army Corps
of Engineers®**

Louisville District

Shoreline Management Plan

Cagles Mill Lake

1 January 1997

CAGLES MILL LAKE
SHORELINE MANAGEMENT PLAN

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REGULATIONS PERTAINING TO
CAGLES MILL LAKE
WABASH RIVER BASIN, INDIANA
SHORELINE MANAGEMENT, LOUISVILLE DISTRICT
CORPS OF ENGINEERS-INDIANA DEPARTMENT OF NATURAL RESOURCES
EFFECTIVE DATE 1 JANUARY 1997

1. Administrative and Regulatory Guidelines.

a. **Purpose.** The purpose of this regulation is to provide policy and guidance on the management of the shoreline of Cagles Mill Lake, Indiana. It is designed to provide for a balanced use of the shoreline while preserving and protecting the natural resources of the project.

b. **Scope.** This plan is applicable to Cagles Mill Lake. Shoreline shall be construed as the portion of Cagles Mill Lake that is held in fee simple estate by the U.S. Army Corps of Engineers whether or not it is covered by water.

c. **References.**

(1) Section 4, 1944 Flood Control Act, as amended, (16 USC 460d).

(2) The Rivers and Harbors Act of 1894, as amended and supplemented (33 USC 1).

(3) National Historic Preservation Act of 1966 (P.L. 89-665; 80 Stat. 915) as amended (16 USC 470 et seq.).

(4) The National Environmental Policy Act of 1969 (42 USC 4321, et seq.).

(5) The Clean Water Act (33 USC 1344, et seq.).

(6) Title 36, Chapter III, Part 327, Code of Federal Regulations, "Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers."

(7) Executive Order 12088 (13 Oct 78).

(8) 33 CFR 320-330, "Regulatory Programs of the Corps of Engineers."

(9) ER 1130-2-406, "Shoreline Management at Civil Works Projects."

(10) ER 1130-2-400, "Management of Natural Resources and Outdoor Recreation at Civil Works Water Resource Projects."

(11) EM 385-1-1, Safety and Health Requirements Manual."

(12) The Water Resources Development Act of 1986 (P.L. 99-662).

(13) Indiana Department of Natural Resources General Property Regulations.

d. **Policy.** It is the policy of the Chief of Engineers to manage and protect the shorelines of all Lakes under the Corps of Engineers jurisdiction. All management activities will be conducted in a manner that will promote the safe and healthful use of these shorelines for recreational purposes by the public while safeguarding fish and wildlife habitat, aesthetic quality, and natural environmental conditions. Ready access to and exit from these shorelines shall be provided for the general public in accordance with reference C(9) of this section.

e. **Objective.** The objective of all management actions by the Corps of Engineers and the Indiana Department of Natural Resources will be to achieve a balance between authorized private uses and resource protection for the benefit of the general public. Priority will be given to the protection of the resource over private uses that may have detrimental effects on that resource.

The objectives of the Shoreline Management Plan are:

(1) To preserve, protect, and enhance the environmental quality of Cagles Mill Lake.

(2) To promote the safe and healthful use of the Cagles Mill Lake shoreline for recreational purposes for the general public.

(3) To manage the existing private use of public property in a manner that maintains a balance between authorized private use and protection of the resource for general public use.

(4) To promote restoration of the shoreline where degradation has occurred.

(5) To protect aesthetic quality and sustain natural conditions.

(6) To minimize the impact upon resources where private use is authorized.

(7) To protect and enhance the fish and wildlife within the area.

2. Development of Shoreline Management Plan.

A Shoreline Management Plan is required for each Corps of Engineers' project where private shoreline use is allowed. The plan is developed through a public participation process and will be implemented upon final approval of the plan. This plan allocates the lakeshore for the entire lake into the various classifications or zones and outlines the authorized activities for each zone. Included are fee schedules for permits, guidelines for vegetation alteration and debris removal, as well as other factors affecting shoreline use.

In formulating the Shoreline Management Plan, the existing public and private developments on the shoreline were carefully reviewed to determine if the existing zoning was adequately serving the needs of the using public. Each area was evaluated to determine if the existing zoning was appropriate. The entire plan was subjected to a public involvement process and valid public concerns and comments have been incorporated herein. The next scheduled review and update to the Shoreline Management Plan will be five years from the effective date of this plan. Routine administrative changes and updates in the various Appendices are considered minor revisions and will not require formal updates to the plan.

3. Shoreline Allocation.

a. **General.** Shoreline allocation (zoning) is the designation of the Corps of Engineers' property into various land management zones. Specific activities or uses are permitted for each type of management zone. The land use allocations have been made in a manner which the Corps of Engineers and the Indiana Department of Natural Resources deem best to manage and protect project resources for the benefit of the general public, while at the same time providing a certain level of private use to adjacent property owners. The entire shoreline of Cagles Mill Lake has been allocated into one of 3 zoning areas outlined in Paragraph 3.B., and delineated on the

map found in Appendix A. A fourth shoreline zoning classification called "Limited Development" exists which allows private shoreline development by individuals. However, no shoreline at Cagles Mill Lake has been zoned in this classification. A large scale aerial photograph with the zoning marked is available for viewing at the Cagles Mill Lake project office and at the Lieber State Recreation Area office. The zoning classification assigned to an area applies to the land from the water's edge to the project boundary. The exact locations where zoning classifications change are delineated using the Cagles Mill monumentation as described in Appendix B.

b. Types of Zoning.

(1) **Prohibited Access.** These are areas in which public access is not allowed for health, safety or security reasons. They are accessible to authorized personnel only. At Cagles Mill Lake these areas include the Corps shop and maintenance areas, as well as a section of the dam adjacent to the outlet structure.

(2) **Public Recreation Areas.** These areas are designated for concentrated use by the general public and include day use areas, campgrounds, launching ramps, and commercial concessionaire facilities. No private shoreline uses are allowed in these areas or in designated future recreation areas as defined by the project Master Plan.

(3) **Protected Shoreline Areas.** These are areas where no shoreline use permits are authorized for bank ties, private floating facilities or fixed recreation facilities. The areas have been so designated to maintain aesthetic features or to protect specific resources. Factors which have resulted in a protected designation are the potential for erosion, excessive siltation, exposure to high wind and wave action and water depth. Normal foot traffic for access, hiking, fishing or other activities not involving alteration of the resource is allowed in a Protected Shoreline Area.

The only other private uses allowed in these areas are erosion protection utilizing riprap, or minor vegetation alteration which includes mowing and the removal of trash and debris. These uses may be allowed only after the Corps Park Manager (or his representative) has determined that no adverse environmental impact will result and a permit or license has been issued to the individual. No permission is required for

entry upon Protected Shoreline Areas and no individual shall attempt to impede the free access by the general public to these lands.

c. Zoning Changes.

Redesignating zoning classifications is considered a major change to the Shoreline Management Plan and therefore these changes will require a public involvement process as part of the formal revision. Requested changes which have significant benefits and no adverse impacts may be incorporated into the revised plan after complete coordination with the IDNR. The revised plan will be subject to public review and comment prior to final review and approval.

4. Permits, Licenses, Leases or Easements.

General. Private development can be authorized on project lands through the issuance of a permit or license.

Applications for all structures or actions requiring a permit, lease, license or easement (with the exception of group boat docks and bank ties), will be made to the Corps Park Manager at the project. Applications for group boat docks, bank ties, duck blinds, fishing tournaments, and hunting and trapping permits will be processed by the Indiana Department of Natural Resources Property Manager. Detailed plans for the construction of any structure are required by both the Corps of Engineers and the IDNR. The responsibilities of each agency are as follows:

(1) **Corps of Engineers.** After receiving an application for a Corps-issued permit or license, the Corps Park Manager (or his/her representative) will make the initial inspection of the area with the applicant. Permits or licenses may be issued only to adjacent property owners and their tenants, or owners of property in a developed subdivision adjacent to government property who have a legal right of access to the shoreline. Applicants may be required to furnish documentation showing their right of access.

In the event that an outgrant application is unacceptable, the request will be denied at field level and a record of the action with the reasons for denial will be entered into the project files. If the application is acceptable, all application documents (plans, specifications, conditions and recommendations) will be forwarded to the IDNR for concurrence, as applicable. After the application is approved by the IDNR,

it will be returned to the Corps Park Manager for the issuance of the appropriate document. All fees associated with the outgrant request will be collected at the time the application is accepted and approved.

Inspections for compliance with the conditions of the outgrant are the responsibility of the Corps Park Manager. Annual compliance inspections on all licenses and permits will be conducted by the Park Manager or his representative. Any noncompliance with the provisions of the license/permit will be brought to the attention of the instrument holder for correction at field level where possible. Noncompliance with the provisions of the outgrant document will result in the prompt termination of the outgrant document and removal of the outgrant structure.

(2) **IDNR.** All permits issued by the IDNR will be processed by the IDNR Property Manager and submitted to both to the Director of Parks and Reservoirs and the Director of the IDNR (or their designees) for their concurrence and approval. IDNR Permits will be issued only to adjacent property owners, owners of property in a developed subdivision adjacent to government property who have a legal right of access to the shoreline, or to tenants of trailer parks who provide concurrence from the property owner. Inspections for compliance with the conditions of the permit shall be the responsibility of the IDNR Property Manager or his designee.

Any noncompliance with the provisions of the permit will be corrected at field level when possible. When necessary, recommendations for revocation of a permit will be promptly forwarded to the Director of Parks and Reservoirs for concurrence and approval. When the permit has been terminated the permittee will be required to remove the associated structure and restore the area to a natural condition, satisfactory to the IDNR.

5. Conditions of Permits, License or Leases.

a. **Corps of Engineers.** All private facilities located on water resource projects must be covered by a permit, lease or license. All private facilities not so covered by a legal instrument will be considered unauthorized structures and will be summarily removed in accordance with Part 327.20, Title 36, CFR. In addition, the owner of the unauthorized structure may be cited into a U.S. Magistrate's Court for violation of the same CFR. Violations of this regulation may result in a fine or

imprisonment. No private facility will be allowed on public lands until the lessee, licensee, or permittee has a valid approving document in his possession. The private facility will be constructed in accordance with plans approved by the Corps of Engineers. All construction carried out on Corps lands must be inspected and approved by the Corps Park Manager or his representative. In the event that such construction does not meet minimum required standards, work will be promptly halted until those standards are met. If the necessary standards are not promptly met, the permitting document will be revoked and the structure will be removed by the owner, who will also be required to restore the work site to its original condition. If the owner does not remove the structure within 30 calendar days of written notice to remove, the structure may be removed by project personnel.

Whenever possible, all existing permits and licenses held by an individual will be combined to reduce costs and administrative paperwork. The duration of the various instruments varies with the nature of the document. However, whenever possible the expiration dates of the various instruments will be coordinated to a common date so that renewals can be accomplished simultaneously and payment can be made with one check.

b. **IDNR.** The placement of any facilities or any action taken in regard to vegetation alteration, terrain modification, archaeological disturbance or artifact removal as spelled out in this regulation without benefit of the appropriate permit, license or lease is a violation of IDNR General Property Regulations. Violations of the State Regulations may be punishable by a fine or imprisonment.

6. Fees Charged for Permits, Leases or Licenses.

The current fee schedule for both the Corps and the IDNR is included in Appendix C.

a. **Corps of Engineers.** A fee will be charged for each license and permit issued by the Corps of Engineers, unless otherwise indicated in this plan. Such fees are due in advance and must be paid in full prior to the initiation of any construction or permitted activity.

(1) Fees for licenses are based on fair market value for use of the land, or the government's administrative cost of processing the document, whichever is greater. These fees are

subject to change as the market values fluctuate or administrative costs vary. A current license fee schedule will be provided by the Corps Park Manager upon request.

(2) Fees for permits are established by Headquarters, U.S. Army Corps of Engineers and are applicable nationwide. These fees may be subject to periodic update. A change in the fee schedule does not constitute a major revision of the Shoreline Management Plan and an update of the plan is not required for each fee change.

(3) Licenses and permits are nontransferable and refunds will not be made for any unused portion of a license or permit that the grantee terminates before the expiration date. Upon the sale or other transfer of the permitted facility or the death of the grantee and his/her legal spouse, the instrument is null and void.

(4) Fees may be paid in the form of check, money order, or cashiers check. Only the exact amount of the fees due will be accepted.

b. **IDNR.** Fees for private group boat docks, hunting, and fishing tournaments will be charged by the IDNR. Those fees and charges are established by the IDNR.

7. Grandfathered Private Facilities.

a. **Private Facilities Located in Areas not Designated for Private Development.** A limited number of land use licenses and permits have previously been approved in areas currently zoned as Protected Shoreline. These land use licenses/permits approve public use of government property for picnic areas, beaches, parking lots and group dock access. The original holders of these instruments (including a surviving spouse, subdivision, or corporation) may continue to renew the license or permit as long as all other applicable conditions are met. Facilities may be upgraded to meet applicable safety and environmental protection standards, however the scope of licensed/permitted facility cannot be increased. When these original instrument holders terminate their interest in the licensed/permitted facility, the instrument is automatically voided and the facility must be removed. No new licenses of this type or dock permits will be issued in the Protected Shoreline areas that encompass Cagles Mill Lake.

b. **Boat Docks.** All boat docks currently permitted by the IDNR will be allowed to remain at their present site as long as the original permit holder (or corporation) maintains the dock facility in a safe and satisfactory manner. All repairs will be made in accordance with IDNR standards prescribed for a group boat dock. When the original dock permit holder terminates their interest in the dock or fails to maintain the structure, it will be removed from the lake. As stated in Paragraph 7.a., no new docks will be allowed at Cagles Mill Lake. In the event that the owner does not remove the facility within 30 calendar days after receiving written notice to remove, the structure may be impounded and removed by IDNR personnel in accordance with Indiana Department of Natural Resources General Property Regulations.

8. Private Facilities or Activities that may be approved at Cagles Mill Lake.

Appropriate specifications and requirements for the following facilities and activities are included in the attached referenced Appendices.

a. **Corps of Engineers**

(1) **Licenses.** The grandfathered land use licenses discussed above provide unique challenges for safe public access. Therefore the following structures may be authorized in conjunction with the use of government property at grandfathered private facilities. They are approved through the issuance of a license document by the Real Estate Division after approval by the Park Manager. They may be approved separately or through inclusion in the existing land use license.

(a) **Stairways and Steps.** Licenses for stairways and/or steps may be issued provided that the structures do not interfere with project operation, are not obtrusive and are constructed in such a manner as to be potentially removed. Specifications and conditions for stairways and steps and the application procedure are found in Appendix D.

(b) **Electric Lines.** Electric service may be licensed for the installation of lighting and convenience outlets, providing that the service poses no safety hazard nor conflicts with other recreational uses of the project. No permanently installed electrical service is allowed to floating facilities due to the widely fluctuating pool levels of Cagles Mill Lake. The conditions and specifications for electric service installation and the application procedures are contained in Appendix E.

(c) **Erosion Control Devices.** Erosion control devices are permitted where bank erosion is a problem. These licenses are free due to the benefit derived by the project as a result of these devices. Structures may be riprap, stone filled baskets, or vegetative cover. Specifications and conditions for erosion control devices are found in Appendix F.

(d) **Roadways.** Roadways may be licensed where appropriate to provide access to the grandfathered land use facilities. In addition, existing roadways may also be licensed in conjunction with access from public roads to private property. Private roadways providing vehicular access to unlicensed shoreline facilities are prohibited. No new licenses or easements will be issued to provide access for any future dwellings on property adjacent to Corps' property.

(2) **Permits.** The following facilities or activities are allowed under a permit that is approved and issued by the Cagles Mill Lake Park Manager.

(a) **Vegetation Alteration.** Vegetation alteration, to include mowing, removal of underbrush, selected tree removal and driftwood removal will be allowed only after the issuance of a Shoreline Use Permit by the Park Manager or his designated representative. The general mowing policy will be to gradually restore areas where lawns exist to a more natural state of vegetation. This will be accomplished with a gradual reduction in mowing areas and a limit to the amount of vegetation that can be removed. No herbicides may be used for vegetation control. Vegetation alteration permits are covered in Appendix G. A fee is charged for a vegetation alteration permit in accordance with Appendix C.

(b) **Special Act Permits.** Certain activities or acts of an unusual nature and generally a one-time occurrence may be permitted by a letter permit from the Park Manager after a determination has been made that the activity is necessary and that no significant adverse impact will result from this act. Application must be made to the Park Manager in writing, outlining the nature and purpose of the request. Each request will be reviewed separately and the permit, if issued, will outline all the conditions of permit.

(c) **Special Events Permits.** Certain events such as scouting jamborees, fireworks, water rescue training, etc. may be held on Corps managed land. An application must be made to the Park Manager in writing outlining the details and nature

of the request. Each request will be reviewed separately and the permit, if issued, will outline all the conditions of the permit.

(3) **Section 404.** Certain activities are regulated under the authority of Section 404 of the Water Pollution Control Act and are subject to the Endangered Species Act, the National Environmental Policy Act and the Fish and Wildlife Coordination Act. These regulated activities include dredging, extensive riprapping, construction of outfall lines, intake structures and other fixed structures, large seawalls, and the filling and discharge of dredged materials. Permits for items of this nature are issued by the Regulatory Functions Branch of the Operations Division. All requests to perform any of the above activities should be coordinated through the Corps Park Manager.

b. Indiana Department of Natural Resources

(1) **Group Boat Docks.** All group boat docks will be constructed to minimum basic standards. The docks may be privately constructed or of a manufacturer's standard design. Group docks are permitted only at specific locations that have already been designated as suitable dock sites. All private docks are group docks. In some instances it may become more advantageous for two of the smaller group docks to combine their operations at one established location. When that occurs, enough additional boat slips may be authorized at the site of the combined operation to accommodate all existing slip holders. No development will be allowed at the abandoned site and it will be allowed to revert to a natural condition. The IDNR Property Manager has the authority to direct the relocation of a dock to better serve a group. Specifications and conditions for group boat docks are available from the IDNR Property Manager. A fee is charged for dock permits. Fee information is found in Appendix C.

(2) **Duck Blinds.** Duck blinds may be permitted on lands leased to the State of Indiana upon application to the IDNR Property Manager. Blinds are not allowed in areas managed by the Corps of Engineers. Blinds must be removed within 30 days of the end of the season. The permittee shall not cut vegetation or otherwise alter government property to construct the blind. Floating blinds may be allowed, subject to State of Indiana hunting regulations. All Federal and State laws, rules and regulations are in force in the hunting, taking or trapping of all fish and game species. No fee will be charged for duck blind permits.

(3) **Special Event Permits.** Requests by such organizations for use of grounds or facilities to conduct contests, shooting matches, water or angling contests, or other special events will be handled in accordance with the following IDNR policies:

(a) Such activities shall be confined to areas so designated by the IDNR Property Manager.

(b) Areas designated for special uses must be so located and designed as to provide for the widest variety of compatible activities (archery, trap shooting, gun practice, etc.).

(c) Such areas must be open to all groups and the general public by reservation on a first-come, first-served basis unless otherwise authorized.

(d) Permission for use or reservation of such areas must be requested through, and approved by the Director of the Department of Natural Resources or his designated representative. Along with the application for such permit, the applicant must attach the permanent procedures and policies proposed.

(e) Under no circumstances will private clubs or organizations be permitted to establish, construct, or erect permanent or temporary facilities or structures on state property unless otherwise authorized.

(f) Such areas will be reserved for limited periods of time. Extension of time periods established shall be subject to discretion of the director.

(g) No one agent will be selected to handle the scheduling of church services in any state facility; however, everyone is encouraged to exercise his own individual rights of worship.

9. Prohibited Items and Activities. The following facilities or activities are specifically prohibited on the fee simple lands or waters of Cagles Mill Lake:

a. **Water systems.** Systems designed for the withdrawal of water for either irrigation or domestic use are prohibited.

b. **Landscaping.** Formal arrangements of hedges and shrubs will not be permitted except that an approved hedge may be

planted and maintained on the fee boundary line. Plantings on Corps lands must be of approved materials in areas approved by the Park Manager.

c. **Flower or vegetable gardens.**

e. **Archaeological Sites.** The digging into, excavating, disturbing or removing of an archaeological site or artifact is prohibited.

e. **Cuts and fills.** The alteration of the natural terrain by making cuts or fills, unless in conjunction with construction of a legal facility, is prohibited.

f. **Boat houses.**

g. **Piers or Jetties.**

h. **Any building or structure not covered by a permit, license or lease.**

i. **Any sewage outfall or structure.**

j. **Wells or spring developments.**

k. **Fences.** Except for farm fences on the property line.

l. **Anchor posts or devices such as fenders and bumpers, or matting made from old tires, logs, etc.**

m. **Garbage, Debris, Refuse Dumps or Garbage Pickup Points.**

n. **Fixed or Semipermanent Fuel Tanks or Storage Containers.**

o. **Swings, Picnic Tables, Signs, Patios, etc.**

p. **Ranging, Grazing, Watering or Allowing Livestock on Project Lands.** Except where authorized by the District Engineer or his authorized representative.

q. **Marking Buoys.**

10. Boundary Identification.

a. **Corps of Engineers Actions.** The property line between the Corps of Engineers fee simple estate land and that of the adjacent property owners has been surveyed and marked by brass

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monuments set in concrete at each turning point. Boundary posts are installed between each monument. Corps personnel periodically inspect and maintain the boundary line. Adjacent landowners should contact the Corps office before initiating any work near the boundary line. The Corps Park Manager will mark the location of the government property line for landowners. This will eliminate inadvertent encroachments and answer any questions concerning land ownership.

b. **Landowner Actions.** It is the adjacent landowners' responsibility to ascertain the exact location of the boundary line prior to initiating any action which might result in a trespass upon government property. The Park Manager should be contacted for assistance in locating the line if there is any doubt as to the exact location of the boundary. The government will not be responsible for any costs incurred by adjacent landowners in delineating the boundary line.

11. Fish and Wildlife. The Corps-owned lands and water of Cagles Mill Lake, with the exception of the operations (dam) area and Corps picnic area are leased to the Indiana Department of Natural Resources for management of fish and wildlife, as well as recreational development. Unless posted otherwise, these areas are open to the public for fishing and hunting and are subject to state regulations governing these activities. The issuance of a permit or license to an individual does not preclude the use of the land or waters involved from use by the public for hunting and fishing activities.

12. Enforcement. The placement of any of the facilities or any action taken in regard to vegetation alteration, terrain modification, archaeological disturbance or artifact removal as spelled out in this regulation without benefit of a permit or license is a violation of Chapter III, Part 327, Title 36, Code of Federal Regulations or IDNR General Property Regulation, as applicable. Violations of the Federal regulation may be punishable by a fine of not more than \$500.00 and/or imprisonment not to exceed six months. Violations of the State Regulations may be punishable by a fine of not more than \$300.00 for each offense to which may be added imprisonment for not less than 30 days nor more than six (6) months.

APPENDIX A

Zoning Map

APPENDIX B

Project Zoning Monumentation

Currently there are currently eight land use licenses on Protected Shoreline at Cagles Mill Lake. The size and general location of each of these licensed areas is listed below. Their exact locations are described in the individual license documents. When the current license holders terminate their interest in these recreation sites, the licenses will be voided and the facility will be closed. No new land use licenses will be issued in Protected Shoreline areas.

RECREATION SITES	MONUMENTS	ACRES
1. Ivanwald Subdivision	R-8 to R-9.....	2.0 acres
2. Hidden Hollow Subdivision	C-1750 to C-1750A.....	0.7 acres
3. Countryside Estate	D-1998 to D-2000.....	1.0 acres
4. Croy Crest Subdivision	D-534 to D-1482.....	1.5 acres
5. Haltom Heights	D-2248 to D-2250.....	0.8 acres
6. Cataract Yacht Club	C-1689 to C-1690.....	1.5 acres
7. Highland Lake View	C-1728 to C-1729.....	2.0 acres
8. Indiana Gear Works	C-201 to C-202.....	1.5 acres

APPENDIX C

Shoreline Management Plan, Cagles Mill Lake

Fee Schedule

1. **Private floating facilities (Boat Docks).** Issued annually by the Indiana Department of Natural Resources. The fees and charges will be established by the IDNR Commission.

2. **Vegetation Alteration Permits.** Issued by the Corps of Engineers Park Manager for periods varying from one to five years. The cost of the permit is currently \$10.00 for a five year period. Costs will be prorated when applicable. No inspection fee is charged.

3. **Licenses.** Issued by the Corps of Engineers Real Estate Division for various land use activities (picnic sites, parking area, steps, roads, electric lines, etc.). Charges vary, depending on the facilities licensed and the administrative costs associated with issuing the document. A copy of this schedule is available upon request from the Corps Park Manager.

APPENDIX D

Shoreline Management Plan, Cagles Mill Lake

Requirements for the Installation and Use of Steps or Stairs

1. **General.** Stairways and steps may be allowed through the issuance of a license by the Real Estate Division. These structures will be approved only in grandfathered areas where necessary to provide safe access to the shoreline. They will not be authorized for landscaping or ornamental purposes or over gentle terrain presenting no major obstacles to foot traffic. In addition, stairways and steps will not be permitted over cliffs or bluffs that are exceedingly steep.

2. **Specifications.** The basic structure should blend in with its natural environment and follow the natural line of the slope. It should not extend appreciably above its surroundings or out in to the lake.

a. **Materials.** The preferred building material is pressure-treated dimension lumber, however other materials may be considered as well. Cross ties, telephone poles and other materials containing creosote will not be allowed. Metal staircases, placed concrete steps and steps constructed of mortared block, brick or stone will not be permitted.

b. **Anchoring.** All steps or stairways will be firmly anchored in place. Trees shall not be used as an anchoring device. Handrails shall not be attached to trees.

c. **Painting.** New steps and stairways will not be painted. A clear sealer may be applied to wooden materials. Existing wooden structures that were previously painted may continue to be painted a neutral color and metal structures may be maintained with the surface treatment of the initial installation.

3. **Design.** The top of the structure will be flat with no vertical extensions which might cause injury. A minimum width of 30" is required for the inside of the step; a maximum width of 48" is allowed for the outside of the stairs including the posts and handrails.

The individual pieces used to construct the steps shall be securely connected to ensure stability. The upright intermediate posts shall be at least 4"x 4" treated lumber and buried at least 3 feet into the ground. Added stabilization by

the use of concrete may be necessary. The bottom set of posts are to be at least 6"x 6" posts. Only treated lumber posts will be used. No metal posts are allowed. The steepness of the slope and the length will decide the distance between the supports. The post will be a maximum of 8 feet apart.

A minimum thickness for the horizontal stringer and steps is a 2" thick treated board. The minimum size of the risers must be 2"x 12" boards and the steps depth must be a minimum of 10".

4. **Construction.** Disturbance to the work site and the surrounding area will be kept to a minimum. Any disturbed areas surrounding the building site will be graded, seeded and mulched to protect from further erosion or rocked with riprap or natural stone. Any damage caused by vehicles, equipment, etc., needed for construction or hauling will be repaired immediately. Any trees, shrubs or other protective vegetation should not be disturbed, damaged or removed without prior approval of the Corps representative.

Other conditions or requirements may be included before the steps plan is accepted. The minimums provided may not be enough depending on the individual conditions of the site, so larger or stronger material may be required at the discretion of the Park Manager. Any unsafe conditions or degeneration in the structure must be repaired as soon as possible.

5. **Grandfathered Structures.** Existing steps and stairways that do not meet the guidelines in this plan will be allowed to remain for the lifetime of the current licensee or his/her spouse as long as they are maintained in a safe condition. Should the structure become unsafe or the adjoining property be sold, the structure will be replaced with an approved structure or be removed and the area restored in accordance with the conditions in the license.

6. **Application Procedures.** The applicant shall contact the Park Manager or his representative and request a stairway or step license. The Park Manager or a Corps Ranger will inspect the proposed site to determine the feasibility of granting a license. If feasible, the applicant will be given an application form and advised of the cost of the license. The completed application, plans and specifications for the structure and the required fee shall be submitted to the Park Manager. The application will be forwarded to the Indiana Department of Natural Resources for concurrence. After final

approval, Real Estate Division will issue the completed license document.

APPENDIX E

Shoreline Management Plan, Cagles Mill Lake

Electric Service on Government Lands

1. **General.** The installation of electrical service to authorized facilities on fee land is allowed under the provisions of a license issued by the Real Estate Division. Electric service will be permitted for lighting and convenience outlets adjacent to group docks. All such service shall pose no safety hazard to any individual nor interfere with any aspect of project operations. Due to the wide fluctuation of pool levels at Cagles Mill Lake, no electrical service is permitted on any floating facility except commercial concession marinas. All electrical service is subject to the conditions in Paragraph b., below.

2. **Conditions.** The following conditions apply to all electrical service on Government land that serve permitted or licensed facilities:

a. All electrical installations must conform to the National Electric Code as well as all state and local codes.

b. All electrical service that extends upon Government land must be inspected by a certified electrician and proof of compliance provided to the Park Manager, Cagles Mill Lake prior to energizing any circuits. Electrical facilities must be re-certified at each renewal of the license.

c. All electrical circuits which extend onto Government land must have a properly operating ground fault interrupter (GFI) installed above elevation 704 m.s.l. Failure to provide the GFI or to maintain such in a proper working condition may result in the license being revoked. The GFI shall be installed on a post or on the exterior of a building in plain view where it is readily accessible and shall be approximately 4 feet above the ground.

d. All new permanently installed electrical wiring extending onto Government land shall be buried to the depth required by the National Electrical Code, except that the option of encasement in concrete is not allowed. The location of the cable or conduit shall be marked with warning tape buried at a depth of 9-12 inches above the electric wire. Underground wiring must be direct burial type (U or USE) which can be

installed without conduit or TAW or equal standard wiring installed in non-metallic conduit.

e. All permanent above ground wiring shall be installed in an approved electrical conduit. All enclosures such as breaker boxes, switch boxes and receptacles shall be weatherproof and shall be securely mounted on a treated wooden post or pole, a minimum of 4 feet above the ground.

f. Security lights shall be installed on treated wooden posts or poles not less than 12 feet above the base of the pole. The height of the light bulb shall not be lower than the flood pool elevation of 704 m.s.l. Lights or wiring to lights shall not be installed on trees.

g. Attached at the end of this Appendix is a sketch for a typical electrical installation on Government property. This sketch is provided as a guide only, and the applicant must submit a drawing or sketch of the proposed installation along with the application as specified in Paragraph 4, above.

3. **Existing Facilities.** Immediately upon approval of this plan, all existing electrical service extending onto Corps of Engineers lands at Cagles Mill Lake shall be upgraded to meet the requirements noted in Paragraphs 2.a.- 2.f. of this appendix. The Park Manager will require the immediate upgrade or removal of any electrical service that is not certified, does not meet code or is not safely maintained. It is the responsibility of the licensee to assure that the initial inspection or certification is accomplished and to provide proof of such to the Park Manager and to obtain recertification prior to renewal. Corps of Engineers personnel will periodically inspect to assure that facilities are properly maintained in compliance with these conditions.

4. **Application Procedures.** The applicant should contact the Park Manager or his representative to inspect the site and to obtain an application for a license. Upon approval by the Park Manager, the applicant will be advised of the cost of the license and will submit payment with the application. Should the applicant have other licenses and/or permits, they may be coordinated into a single outgrant with the fees adjusted accordingly. The Real Estate Division will prepare the license document for delivery to the licensee. The Park Manager will inspect the initial installation to determine compliance with the license conditions.

APPENDIX F

Shoreline Management Plan, Cagles Mill Lake

Erosion Control Devices

1. **General.** Erosion control devices may be authorized by a Real Estate License or Shoreline Use Permit where bank stabilization is needed to prevent the loss of shoreline due to wave and wake action. These devices are subject to the provision of Section 404 of the Clean Water Act when fill material or stone protection will be placed below elevation 637.5 m.s.l. Due to the mutual benefit derived from these structures, no fee will be charge for shoreline erosion protection licenses.

2. **Conditions.** Structures may be riprap, stone filled baskets (gabions) or vegetative cover. A Real Estate License or Shoreline Use Permit is required prior to initiating construction activities. A written description of the access route, placement plan, and safety considerations is required before the permit plan will be accepted. Any unsafe conditions will cause the suspension or denial of the operation or permit.

3. **Design Guidance for the Placement of Riprap.**

a. The materials that may be used include riprap, gabions or natural stone. Broken asphalt material, concrete and random fill are prohibited. All material will be free from toxic pollutants.

b. The riprap structure should blend in with its natural environment and follow the natural curves of the shoreline. It may extend above normal pool level (637.5) to cover all the eroded slope. Stone shall be placed on a slope no steeper than a 1.0 vertical to 1.5 horizontal. Some cutting, trenching or grading of the slope may be required to provide an adequate base for the rock. This will prevent undercutting or slippage of the riprap. When any excavated material is used to shape the bank, it shall be compacted by equipment traveling over the area. Equipment shall not pass over in-place stone.

c. All trees in the bank protection work area shall be removed. Trees at the edge of the bank that are leaning, appear unstable, or located where failure of the tree could adversely impact the bank protection shall be cut down. The banks must be cleared of all stumps, logs and debris before placing stone.

d. A maximum of one cubic yard of riprap per running foot of shoreline and ten cubic yards of miscellaneous fill per project may be placed on the eroded areas. A maximum length of 500 feet should not be exceeded without additional permits. The layer of the stone to be placed on the bank slope shall be a minimum of 18 inches thick.

e. All construction work will be done when pool level is down from normal summer pool (637.5 m.s.l.). Work will be discontinued when, for whatever reason, pool levels rise to inundate work area.

f. Disturbance of the surrounding area will be kept to a minimum. Disturbed areas will be graded and reseeded or riprapped to prevent further erosion. Any damage caused by vehicles or equipment during construction will be repaired immediately. Trees, shrubs and other types of protective vegetation adjacent to the work area may not be disturbed, damaged or removed without prior approval of the Corps representative.

4. **Vegetative Controls.** The use of vegetation or plantings, such as willow bundles may be approved for erosion control. Any such proposal should be submitted to the Park Manager for evaluation and approval.

APPENDIX G

Shoreline Management Plan, Cagles Mill Lake

Vegetation Alteration Permits

1. **General.** Vegetation alteration (VA) permits may be issued subject to the conditions contained in this appendix. Vegetation alteration permits will be issued for the purpose of improving the access to the lakeshore for the adjacent property owners. The alteration of vegetation to provide a view of the lake or a dock, or to portray the appearance of an extension of private ownership onto Corps of Engineers land will not be permitted.

2. **Eligibility.** VA permits will be issued only to qualifying individuals owning property abutting Corps of Engineers' fee land. VA permits for areas adjacent to private property that have been designated for public access may be obtained by the subdivision developer, an officer of a subdivision association or organization, or by the responsible agent for a boat dock located below the public access area.

3. **Size and Configuration.** The area in which vegetation alteration may be performed shall consist of an area that is no more than 50 feet long as measured along the shoreline, 20 feet in depth from the waters edge, and 10 foot wide strip from this area to the government boundary line. The 10 foot wide strip should be meandering to prevent rapid runoff and accelerated erosion. Permits that were in effect prior to the effective date of this document will be grandfathered as to size and configuration for the lifetime of the permit holder or his/her spouse. No increase in the area's size is allowed if the present permit exceeds new guidelines. Upon sale of the adjacent property, the area in which vegetation alteration is permitted will be reduced to meet the new guidelines.

4. **Scope.** Vegetation alteration may consist of removing selected trees, underbrushing, pruning, mowing, or driftwood removal. Prior to the removal of any vegetation, the permittee shall meet with the Park Manager or Ranger who will outline the limits of the permit area and designate trees or other vegetation that must be left in the permit area. In no case will clear cutting be allowed and trees larger than 3" diameter at 6" above the ground will not be cut unless dead, diseased, or damaged and approved for cutting by the Corps representative.

a. Mowing. Vegetation within the permit area may be controlled by mowing with small riding mowers, push mowers or weed cutters using string cutting heads. Agricultural or industrial tractors or mowers shall not be used. Permittee

shall exercise care to protect the vegetation designated to remain.

b. Pruning and Trimming. Trees within the permit area that are larger than three inches in diameter breast high (D.B.H.) may be trimmed or pruned to a height of seven feet above the ground or one-half the total tree height, whichever is less.

c. Underbrushing. Permittee may elect to selectively remove certain undesirable vegetation within the permit area such as poison ivy, oak, sumac, vines, briars, and thistles in lieu of mowing.

d. Driftwood Removal. Driftwood, downed timber, and other floating debris within the permit area can be removed by the authority of the VA permit. Disposal shall be by burning as outlined in Para. 5 below, or by removal and disposal off site.

e. Herbicides. No herbicides may be used for vegetation control on government property.

5. **Burning.** All driftwood, wooden debris, tree laps, etc., may be burned unless prohibited by State or local laws and regulations. All burning shall be confined to an area designated by the Park Manager or his representative. All applicable burning and clean air codes, laws, rules, and regulations shall be adhered to. The vegetation alteration permittee shall obtain a separate burning permit from the Park Manager prior any burning on Corps lands. There is no charge for the burning permit.

6. **Delineation of Boundary Line.** The holder of each vegetation alteration permit shall delineate the boundary between Corps of Engineers lands and private property by the use of wooden posts. This provision applies to new permits as well as grandfathered permits that are covered in Para. 3. Posts shall be set at the intersection of the lot boundary line with the government property line. Should a government monument exist at a point where a post is required, the post may be omitted. Permittee shall not move or otherwise disturb any monument or survey marker. Posts shall be installed prior to any vegetation alteration and shall be at no cost to the government. Permittee may submit an alternate method of delineating the boundary line to the Park Manager for approval, however any such alternate method shall not impede the inspection and surveillance of the boundary.

7. **Term of Permits.** Beginning in Calendar Year 1997, vegetation alteration permits will be issued for periods ranging from one to five years. At the next renewal after 1997, all permits will be issued for a five year period. Expiration dates will be on the anniversary date of the issue of the permit. In certain instances where a permittee holds other permits and/or licenses the vegetation alteration permit may be consolidated into a single outgrant with the other instruments with a common expiration date. The Park Manager may issue one time vegetation alteration permits for such activities as removing a hazardous dead tree or removal of driftwood at a dock location. The permits will be of short duration and the fee will be equal to the administrative fee for one year for a vegetation alteration permit.

8. **Fees.** A fee is charged for vegetation alteration permits to cover administrative costs incurred by the Corps of Engineers. The amount of this fee is found in Appendix C of the Shoreline Management Plan. These fees are applicable nationwide and are subject to periodic review and adjustment. Payment of the appropriate fee is required by check, money order, or cashiers check made payable to "FAO, USAED, Louisville" prior to issuance of the permit. No fee will be charged for a five foot unimproved path located in a Limited Development Area.

9. **Application Procedures.** First-time vegetation alteration permit applicants must contact the Park Manager or his representative to obtain a permit. An on-site inspection by the Corps Manager/Ranger and the applicant will be conducted at which time all conditions of the permit will be explained and the permit area delineated. Upon receipt of payment, the Ranger will issue the permit or take an application if the permit is to be consolidated with other instruments. A permit may be renewed by mail, provided that there is no change in the permit. Any requested change will require an on-site meeting to redefine the scope of the permit. The permit holder will be notified approximately 60 days prior to the expiration date of their permit and advised to renew the permit. A permit that is not renewed within 60 days of the expiration date will be null and void and renewal after this date will be subject to the new guidelines as to size and configuration.